

REQUEST ANALYSIS AND RECOMMENDATION

04AN0272

Robert and Francine Kuzma

Dale Magisterial District 8401 Sir Dinnadan Court

<u>REQUEST</u>: A five (5) foot Variance to the twenty-five (25) foot rear yard setback requirement for a dwelling addition.

RECOMMENDATION

Recommend approval of this Variance for the following reasons:

- A. Variance will not impair the character of this residential district.
- B. Variance will not reduce or impair the value of the buildings or property in the surrounding areas.

CONDITION

This Variance will be for the proposed addition only as depicted in the staff report.

NOTE:

All foundations shall be of brick veneer (requirement of the Kingsland Woods Subdivision).

GENERAL INFORMATION

Location:

This property is known as 8401 Sir Dinnadan Court. Tax ID 779-671-5732 (Sheet 18).

Existing Zoning:

R-9

Size:

.286 acre

Existing Land Use:

Residential

Adjacent Zoning and Land Use:

North - A; Vacant

South - R-9; Residential

East - R-9; Residential

West - R-9; Residential

Utilities:

Public water and sewer

General Plan:

(Central Area Land Use and Transportation Plan)

Residential (1.00 to 2.5 units per acre)

DISCUSSION

The applicants are proposing to construct a dwelling addition twenty (20) feet from the rear yard property line (see attached site plan). The Zoning Ordinance requires a twenty-five (25) foot rear yard setback. Therefore, the applicants request a five (5) foot Variance.

The applicants provide the following justification in support of this request:

Mr. and Mrs. Kuzma suffer with extreme allergies and wish to enjoy their backyard while watching their children without the discomfort caused by the pre-mentioned allergic condition. The sunroom would provide a controllable atmosphere while also accommodating their needs.

Staff reviewed the plat and application. Staff notes the lot is unusually shaped, creating a hardship for the applicant to meet the rear yard setback. The Zoning Ordinance stipulates that the Board of Zoning Appeals may authorize a Variance when a property owner can show by reason of the

exceptional narrowness, shallowness, size of shape that the strict application of the Zoning Ordinance restrictions would effectively prohibit or unreasonably restrict the use of the property.

Staff also believes that allowing the applicant to construct an addition twenty (20) feet from the rear property line will not reduce or impair the value of the buildings or property in the surrounding area. Therefore, staff would recommend that this request be approved subject to the aforementioned Condition.



